UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,020	04/24/2001	Sung Lyong Lee	Q62055	4252

7590   09/21/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER
TRAN, TRANG U

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	09/840,020	LEE, SUNG LYONG
	Examiner	**Art Unit**	
	Trang U. Tran	2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 August 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *1 and 10*.

    Claim(s) objected to: _____.

    Claim(s) rejected: *2-9,11 and 12*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see attachment.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed Aug. 22, 2005 have been fully considered but they are not persuasive.

In re pages 6-7, applicant argues, with respect to claim 2, that Kawamura does not teach or suggest the claimed "OSD source remote controller for generating a cursor display command on a screen of said display apparatus" because the remote commander 300 of Kawamura et al is not a source controller but, rater, the remote commander 300 controls the display apparatus 500, not the DVD player 400, which the Examiner has identified as corresponding to the claimed OSD source and that Kawamura et al does not teach or suggest the claimed "OSD source for receiving and storing the existence information of said own cursor display data but, instead, Kawamura et al teaches that the DVD player 400 generates its own OSD information in OSD generator 41.

In response, the examiner respectfully disagrees. It is noted that the claimed source can be defined as the combination of "the display apparatus 500 and the DVD player 400" of Kawamura et al and, as recognized by applicant, the remote commander 300 of Kawamura et al can control the display apparatus 500, the remote commander 300 is considered to be the source remote controller. Kawamura et al also discloses in col. 6, lines 36-48 that "However, simple display device 500 know nothing about the contents of the currently displayed menu screen. Hence, if a remote commander 300 (operating means) is operated and a command such as "CURSOR UP" or "EXEC" is received by the

remote commander signal receiver 31, a CPU 28 (second generating means, generating means) of the simple display device 500 cannot ... Such a command is referred to herein as a panel command". It is noted that the cursor is displayed on the screen. In order to display the cursor, the cursor must be received and stored. Thus, Kawamura et al does indeed discloses the claimed "OSD source for receiving and storing the existence information of said own cursor display data.

In re page 7, applicant argues that, furthermore, Kawamura et al does not teach or suggest transmitting the cursor display location information on the screen of said display apparatus to said display apparatus if the cursor display command is received from said OSD source remote controller but, instead, Kawamura et al teaches that OSD information is encoded within a video signal by SD video encoder 45.

In response, the examiner respectfully disagrees. As stated above, Kawamura et al also discloses in col. 6, lines 36-48 that "However, simple display device 500 know nothing about the contents of the currently displayed menu screen. Hence, if a remote commander 300 (operating means) is operated and a command such as "CURSOR UP" or **"EXEC"** is received by the remote commander signal receiver 31, a CPU 28 (second generating means, generating means) of the simple display device 500 cannot ... Such a command is referred to herein as a panel command". When the "EXEC" command is executed the display device would transmits the cursor display location information on the

screen of said display apparatus to said display apparatus if the cursor display

command s received from said OSD source remote controller.

In re pages 8, applicant argues that, even though Wang teaches a

memory for storing OSD symbols, this reference does not teach or suggest a unit

that outputs existence information of the own cursor display data nor does Wang

teach or suggest an OSD source for receiving and storing the existence

information of said own cursor display data.

In response, the examiner respectfully disagrees. Wang discloses in col.

1, lines 56-67 that "The primary memory unit 304 can be either ROM (read-only

memory) or RAM (random-access memory), and is used to store a set of OSD

symbols that can be selected for display on the display screen 106. During

initialization, the microprocessor 302 retrieves the selected OSD symbols from

the primary memory unit 304 and then transfers the retrieved OSD symbols to

the display memory unit 306. The retrieved OSD symbols can be, for example,

the English letters "A", "B", and "C". When display request is received, the

overlapping circuit 308 then displays the OSD symbols "A", "B", and "C" along

with a cursor mark ""⇔ "" on the display screen 106". Since the cursor mark ""⇔ ""

is displayed on the display screen 106, there is a unit that outputs existence

information of the own cursor display data and OSD source for receiving and

storing the existence information of said own cursor display data as required by

the claimed invention.

In re pages 8-9, applicant argues that, even if it were to be assumed for

the sake o argument that the references teach all of the claimed elements, there

is no motivation to combine these references because one reason for this is that

combining the references as proposed by the Examiner would destroy the

principle of operation upon which Kawamura et al is based. That is, Kawamura et

al teaches that the DVD player (what the Examiner refers to as the OSD source)

generates an encoded video signal having contained therein any OSD material. If

one were to take the OSD function from the DVD player 400 and insert this

function into the display device 500, then the basis of operation of Kawamura et

al would be destroyed. Furthermore, an object of Kawamura et al is to provide a

simple display device 500, with a minimum of complexity. It is for this reason that

the OSD generating function is performed by the DVD player 400 and the OSD

image is combined into a video image in the DVD player 400. Inserting OSD

generating functions into the simple display device 500 would defeat this

purpose.

In response, the examiner respectfully disagrees. As recognized by

applicant Kawamura et al teaches that the DVD player (what the Examiner refers

to as the OSD source), generates an encoded video signal having contained

therein any OSD material and Wang teaches a method for use on an OSD-based

(On-Screen Display) video display system, such as a VCD system, a super VCD

(SVCD) system, or a DVD system, for the purpose of enhancing the resolution of

cursor movement on the display screen of the video display system (col. 1, lines

15-20). It would have been obvious to one of ordinary skill in the art at the time of

the invention to incorporate the teaching of Wang into Kawamura et al's system

in order to enhancing the resolution of cursor movement on the display screen of

the video display system as taught by Wang. The proposed combination would

not destroy the principle of operation upon which Kawamura et al is based and

would not defeat the purpose of Kawamura et al.

In re page 9, applicant argues, regarding claims 7-9, which depend from

claim 2, these claims are allowable at least by virtue of their dependence and,

with respect to claim 7, DRAM 25 of Fig. 2 does not buffer OSD data and that the

DVC SD decoder 51 does not overlap image data and OSD data.

In response, as discussed above, the proposed combination of Kawamura

et al and Wang discloses all the claimed limitations of claim 2.

As recognized by applicant, Kawamura et al teaches that the DVD player

generates an encoded video data having contained therein any OSD material.

Since the encoded video signal having contained therein OSD material, the

DRAM 25 of Figs. 2 and 5 would buffer the OSD material because the DRAM 25

buffers the encoded video signal. Additionally, as discussed above, since the

OSD material is displayed on the display screen, the OSD must be buffered in

order to displayed on the display screen.

The claimed (an overlapper for overlapping the image data and the OSD

data and providing overlapped data to the screen) are disclosed in col. 1, lines

56-67 of Wang.

In re page 10, applicant states that claims 3-6, which depend from claim 2,

are patentable at least for the reasons set forth above with respect to claim 2,

and because Min et al does not make up for the deficiencies of the combination
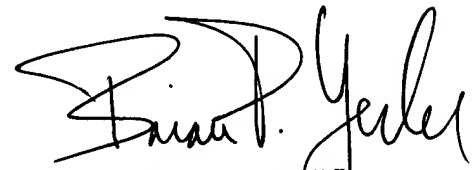
of Kawamura et al and Wang et al.

In response, the examiner respectfully disagrees. As discussed above, the

combination of Kawamura et al and Wang et al discloses all the claimed

limitations of claim 2.

2.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Trang U. Tran whose telephone number is

(571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM,

Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

TT TT
September 12, 2005

BRIAN YENKE
PRIMARY EXAMINER